

Appln. No. 10/730,521
Amdt. Dated: February 15, 2006
Reply to Final Office Action dated September 15, 2005

REMARKS

The foregoing Reply and these remarks are in response to the Final Office Action dated September 19, 2005 ("Office Action"). A two month Request for Extension of Time is filed herewith. Please charged Deposit Account No. 50-2884 in the amount of \$225 pursuant to 37 CFR §1.17(a)(2).

At the time of the Office Action, claims 1-5 and 7-13 were pending in the application. Claims 1-4, and 9-10 were rejected under 35 U.S.C. §112, ¶2. Claims 1-4, and 9-10 were rejected under 35 U.S.C. §102(b). Claims 5, 7-8, and 11-13 were rejected under 35 U.S.C. §103(a). Claims 1 and 5 have been amended to recite certain claim elements with proper antecedent basis and for greater clarity. The rejections are set out in more detail below.

I. Claim Rejections on the Art

Prior to addressing the Examiner's rejections on the art, a brief review of Applicants' invention is appropriate. The invention concerns a gaming table and a method for operating a gaming table. A game outcome determining device, exclusive of a card game, is provided for the determination of a random outcome for a game. The game outcome determining device is arranged for manual operation initiated by a direct physical interaction of a dealer with the device. Further, the manual operation causes the game output determining device to produce a random outcome without intervening automation following initiation by the dealer. Basically, there is no intermediate machine processing step that affects the random outcome.

Player terminals are located around the gaming table. Each player terminal is physically positioned with respect to the game outcome determining device such that a player positioned at the player terminal is unable to directly physically interact with the game outcome determining device. Each player terminal includes a player user interface to permit a player to select at least one possible outcome of the game, occurring at the gaming table, and to make wagers on the possible outcome. A processor is provided for comparing the wagers to the random outcome for determining winning ones of the wagers, and for crediting winning proceeds directly to the player terminals.

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II. Rejection of Claims 1-4 and 9-10 under 35 U.S.C. §112, ¶12

Independent claim 1 has been amended for greater clarity. The amendment is intended to emphasize and clarify that the outcome determining device is physically positioned on the gaming table such that it is only physically accessible to the dealer, but not physically accessible to the players. This is a physical limitation of the gaming table.

Moreover, Examiner objects to the limitation "a random characteristic of a physical interaction," as recited in independent claim 1. In response, Applicants have amended claim 1 for greater clarity. Claims 2-4 and 9-10 should now be in condition for allowance since they are dependent upon an allowable base claim. Applicants therefore respectfully request that the §112, ¶12 rejection of claim 1-4 and 9-10 be withdrawn.

III. Rejection of Claim 1 under 35 U.S.C. §102(b)

Claim 1 was rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,770,533 to Franchi. In his rejection, the Examiner has stated that certain of Applicant's limitations are intended use of the device and do not further limit the apparatus of the claim. In response, Applicant has now amended claim 1 in an effort to address the specific issues raised by the Examiner. With regard to the interaction of the dealer with the outcome determining device, claim 1 has been amended to avoid reciting mere intended use. Specifically, claim 1 now recites as a further limitation:

said at least one game outcome determining device being physically located adjacent a dealer position such that a dealer at said dealer position is able to directly physically interact with said device, said device having a manual operation initiated by at least one direct physical interaction by a dealer, said manual operation causing said device to produce said random outcome without intervening automation following initiation by said dealer;

The claim language is intended to recite with greater particularity that which those familiar with the art would understand occurs when, for example, a croupier spins a roulette wheel. The physical interaction conveys an energetic input, namely kinetic energy, to the

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roulette wheel. The amount of energy applied to spin the wheel is random in nature and has an effect on the random outcome. Likewise, the random application of the energy required to manually release the ball has an effect on the random outcome.

Significantly, the additional limitation is not mere intended use but recites a specific physical limitation associated with the device. The game outcome determining device produces a random outcome without intervening automation following the initiation of the device by the dealer. Such a limitation goes beyond merely "pressing a button to start the automation," as Examiner has suggested.

The foregoing amendment is also intended to address the assertion by the Examiner in Section 5 of the Office Action in which the Examiner states:

Applicant may note that the manual operation of the random outcome determining device by the dealer does not further add any limitation to the apparatus in the claim. Rolling by a dealer or by a player depends on the method of playing and does not change the apparatus. . . .

Office Action, Section 5, page 4.

The amended language changes the focus away from the nature of the dealer action, and instead recites the physical operating characteristic of the game outcome determining device. Namely, the manual operation of the game outcome determining device causes a random outcome without intervening automation following initiation of the device. The fact that a dealer is recited in the manual operation of the game outcome determining device adds clarity to the claim language. From a structural standpoint, the automatic gaming table is configured such that a player is physically unable to interact directly with the random outcome determining device. This physical constraint on the automatic gaming table allows the dealer greater control of the game by eliminating any potential player gaming irregularities. The player gaming irregularities can be attributed with a player's physical interference with the outcome game determining device. (Applicants' published specification, ¶14)

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Applicant now turns to the Examiner's comments in Section 5, page 4 of the Office Action, wherein the Examiner has stated that:

"Rolling by a dealer or a player depends on the method of playing and does not change the apparatus."

Office Action, Section 5, page 4.

In response to the Examiner's assertion, Applicant has now amended claim 1 to more clearly recite the structure of the claimed apparatus. Specifically, claim 1 has now been amended to recite that the game table further includes a plurality of player terminals located at the gaming table. Moreover, claim 1 now recites that each of the player terminals are physically located with respect to the game outcome determining device such that a player positioned at a terminal is unable to directly physically interact with the device. This feature is clearly illustrated in Fig. 1 of the Applicants specification. The recited structure in amended claim 1 precludes operation of the outcome determining device by any player when they are participating in the game at their respective player terminals. Given Examiner's broad interpretation of the limitation "operatively inaccessible," the foregoing amendment is intended to further clarify the physical inaccessibility of the game outcome determining device relative to a player's position at a player terminal.

Examiner asserts that Fig. 16 of Franchi discloses playing a game from a remote station. However, the mere fact that a player can place a wager remotely does not necessarily mean that the game outcome determining device in Franchi is structured such that a player positioned at a player terminal is unable to directly physically interact with the device. According to Franchi, the remote betting station is designed for players who want to play at a particular craps table but are unable to gain access to one of the individual player consoles 1401 shown in Fig. 14. (Franchi, col. 17, lines 51-58). Based on this embodiment of Franchi's craps game, there would still be players with access to player terminals

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that are positioned such that they are physically accessible to the game outcome determining device. (Franchi, Fig. 14).

Moreover, the physical inaccessibility recited in amended claim 1 is distinguishable from the craps game disclosed in Franchi. As is generally known, traditional craps requires players to roll the dice and therefore, the dice must be physically accessible to the players. The gaming table as provided in amended claim 1 would physically not allow a traditional craps game to be played.

IV. Rejection of Claims 2 and 3 under 35 U.S.C. §102(b)

Claim 2 recites a dealer terminal including a dealer user interface configured to permit said dealer, after receipt of payment from a player, to directly credit one of said player terminals. A reading of Franchi leads one to understand that a betting card in Franchi is credited after a player visits a casino bank where all cash transactions occur. See col. 2, line 41-54, col. 7, lines 4-15. The dealer in Franchi does not receive payment from the player to credit the player terminal.

Similarly, claim 3 recites that the dealer user interface is configured to permit the dealer to pay out to a player, upon request, a remaining credit balance on a player terminal in use by said player. In contrast, Franchi makes it quite clear in its teachings that the player should take his card to the cashier to have credits placed. For example, the Examiner is referred to column 2, lines 42 to 54, and column 7, lines 4 to 15.

In view of the foregoing, it is apparent that the subject matter of claims 2 and 3 is entirely inconsistent with what is taught by Franchi. If one has a betting card, there is no possibility that the dealer terminal can directly credit the player terminal. Similarly, Franchi teaches away from allowing the dealer to handle cash. Accordingly, Franchi teaches away from the notion of the dealer paying remaining credit balance on a player terminal to the player.

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With regard to claim 4, Franchi discloses a fully automated roulette table. See col. 4, lines 37-41. Such automated roulette tables are well known in the art as including automatic spinning and ball dispensing. Accordingly, the manual operation of the roulette table recited in claim 4 is clearly not taught by Franchi.

The remaining claims rejected by the Examiner under 35 U.S.C. §102 (b), namely claims 2-4 and 9-10, are believed to be patentable at least by virtue of their dependence upon an allowable base claim.

V. Claim rejections under 35 U.S.C. §103(a)

Claims 5, 7-8, and 11-13 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Franchi in view of U.S. Patent No. 6,336,633 to Webb. In response to the Examiner's rejection, claim 5 has been amended to include certain limitations similar to those discussed above. For example, claim 5 now recites the step of determining a random outcome for a game using a game outcome determining device having a manual operation. The manual operation is initiated by a direct physical interaction by a dealer with the device. Moreover, the manual operation causes the device to produce the random outcome without intervening automation following initiation by the dealer. Notably, Franchi does not teach that the manual operation causes the game outcome determining device to produce a random outcome without intervening automation following initiation by the dealer. Franchi teaches automated tables where the spinning and release functions are conventionally handled by machine. At best, Franchi teaches the use of dice. However, it is apparent that the use of the dice is by a player – not a dealer.

The Examiner has taken the teachings of a craps table from Franchi and has combined this with the inference from Webb that a craps-like game can be played with the dealer as shooter. The Examiner asserts that the motivation to combine Franchi and Webb rests in the fact that by having the dealer act as shooter, fewer interruptions would be introduced to the continued operation of the

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gaming table. However, Applicants contend that the teachings of Franchi and Webb do not provide a viable combination.

The teachings in Franchi with respect to the craps table make no reference or suggestion to the game being anything other than a traditional craps game. Under a traditional craps game, the dice are rolled by the player and not the dealer. Franchi's teachings concentrate upon the feature of electronic betting terminals for the players. As Examiner has acknowledged, aside from electronic betting, Franchi does not suggest a change to the basic method of playing a game of craps. (Office Action, p. 5, lines 13-14).

The Examiner relies on Webb for teaching a method of playing a craps game wherein a dealer shoots the dice. However, there is no motivation or teaching that they should be combined. Those skilled in the art will readily appreciate that Webb effectively teaches an entirely new game. It is only related to craps in the sense that dice are rolled.

Webb is principally directed towards the player rolling the dice, and indeed it is apparent from the discussion of the background art and the Summary of Invention that this is the case (see for example column 1 lines 31 to 33; column 3 lines 20 to 25; column 3 lines 51 to 55). The dealer as a possible rolling party is mentioned as a minor alternative, it is certainly not the main thrust of the teaching which is in fact about a new dice game rather than the dealer should remain roller of the dice. This specifically teaches away from games such as Sic-Bo (column 1, lines 43 to 48). Webb does not teach anything in particular about payments, rather, in a very general way it teaches that the game can be played in slot machines or otherwise as desired.

If one was to combine Webb with Franchi, then one would be attempting to combine two teachings having reference to distinct problems. Webb is about providing a less confronting game for novice players (see column 1, lines 20 to 28). It is about recommending a new dice game, with significant and fundamental changes to the rules of craps. Franchi, on the other hand, is about

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a casino operating system in which a betting card is used together with as much automation as possible. There is no motivation or teaching that they should be combined.

Further, with regard to claim 5, Applicant respectfully disagrees with the Examiner's broad interpretation that Franchi teaches winnings and losses being directly credited to the player terminals. Franchi leads one to understand that it is actually a betting card which is credited, not the terminal. Franchi makes it quite clear in its teachings that the player should take his card to the cashier to have credits placed. For example, the Examiner is referred to column 2, lines 42 to 54, and column 7, lines 4 to 15. The foregoing arrangement is distinguishable from Applicant's claimed invention which credits winning proceeds to the terminal.

Similarly, Franchi does not suggest the invention recited in claims 7 and 8. Claim 7 recites receiving a player credit entry at a dealer terminal after receipt of payment from a player. In contrast, Franchi makes clear that dealers do not handle cash. Instead, Franchi teaches that player payments are made at a casino bank which credits the betting card and pays out cash receipts. See column 2, lines 42 to 54, and column 7, lines 4 to 15.

Similarly, claim 8 recites "cashing out a player from said player terminal" and "paying credits directly to said player." This is precisely opposed to what is taught by Franchi. Franchi teaches that all player winnings are directed to the betting card. See column 2, lines 42 to 54, and column 7, lines 4 to 15. The player must take the betting card to the casino bank to be cashed out. Franchi teaches away from allowing the dealer to handle cash, let alone paying remaining credit balance on a player terminal directly to said player.

Claim 11 recites that the game outcome determining device is a roulette wheel, and further states that the at least one direct physical interaction includes a dealer spinning the wheel and manual dispensing of the ball. Franchi, as noted

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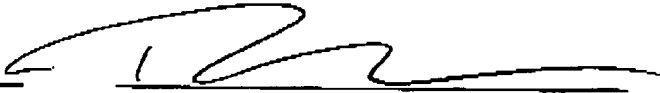
above, teaches directly away from this concept, recommending instead a fully automated roulette table.

Regarding claim 12, Franchi does little more than note that you could use their principle invention, relating to casino operating systems and betting cards, in relation to a Big Wheel game.

Applicants have amended the claims to which the examiner has objected, and it is believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

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